The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a New Deal for Transportation in the Commonwealth.

PETITION OF:

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<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tbody>
<tr>
<td>Joseph A. Boncore</td>
<td>First Suffolk and Middlesex</td>
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<td>Harriette L. Chandler</td>
<td>First Worcester</td>
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<td>Lindsay N. Sabadosa</td>
<td>1st Hampshire</td>
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<td>Steven C. Owens</td>
<td>29th Middlesex</td>
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<td>Jack Patrick Lewis</td>
<td>7th Middlesex</td>
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<td>James B. Eldridge</td>
<td>Middlesex and Worcester</td>
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<td>Joanne M. Comerford</td>
<td>Hampshire, Franklin and Worcester</td>
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<td>Diana DiZoglio</td>
<td>First Essex</td>
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<td>James M. Kelcourse</td>
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<td>Tami L. Gouveia</td>
<td>14th Middlesex</td>
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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 2265) of Joseph A. Boncore, Harriette L. Chandler, Lindsay N. Sabadosa, Steven C. Owens and other members of the General Court for legislation to create a New Deal for Transportation in the Commonwealth.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act creating a New Deal for Transportation in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 6C is hereby amended by striking section 11A and replacing it with the following new section:-

Section 11A. (a) There shall be a project selection advisory council which shall be charged with developing a uniform project selection criteria to be used in the development of a comprehensive state transportation plan as required by section 11.

(b) The council shall consist of the following members: the secretary or the secretary’s designee, who shall serve as chair; 3 members to be appointed by the governor, 1 of whom shall have practical experience in transportation planning and policy, 1 of whom shall be a registered civil engineer with at least 10 years’ experience and 1 of whom shall be a member of a regional planning agency; 1 member to be appointed by the president of the senate, who shall be an expert in the field of transportation finance; 1 member to be appointed by the minority leader of the
senate, who shall be a member of the construction industry; 1 member to be appointed by the
speaker of the house of representatives, who shall be a representative of a transportation
cconsumer organization or other public interest organization; 1 member to be appointed by the
minority leader of the house of representatives, who shall be a member of a business association;
and a representative of the Massachusetts Municipal Association. The department shall provide
the council with qualified administrative staff and the regional planning agencies may provide
qualified technical assistance to the council.

(c) The project selection criteria developed under this section shall include a project
priority formula or other data-driven process that shall include, but not be limited to, the
following factors: climate impact or mitigation; effect on communities historically underserved
by transportation, including those with environmental justice populations as defined by section
62 of chapter 30 of the General Laws; effect on public health; engineering; condition of existing
assets; safety; economic impact; regional priorities; and the anticipated cost of the project. The
council may divide projects into several categories including, but not limited to: preservation and
maintenance of existing assets; modernization of existing assets that improve safety; expansion
projects that add to the existing system; and local construction. The factors chosen by the council
may be weighted to prioritize specific factors and such weighting of factors may differ by project
category as determined by the council.

(d) The council shall conduct at least 6 public hearings, 1 in each of the department’s
highway districts, before final approval of the project selection criteria. The council shall provide
interested persons with an opportunity to submit their views orally and in writing and the
department may create and maintain a website to allow members of the public to submit
comments electronically and to review comments submitted by others. The council shall provide
notice of each public hearing by publication in a newspaper of general circulation in the highway
district in which the hearing is to be located in each of 2 successive weeks, the first publication
to be at least 14 days before the day of the hearing and, if feasible, by posting a notice in a
conspicuous place in the cities or towns within the highway district for at least 14 consecutive
days immediately prior to the day of the hearing

SECTION 2. The General laws is hereby amended, in section 13 of chapter 6C, by
striking out the following words:-

(c) All revenue received from tolls, rates, fees, rentals and other charges for transit over
or through all tolled roads, bridges or tunnels shall be applied exclusively to: (i) the payment of
existing debt service on such tolled roads; and (ii) the cost of owning, maintaining, repairing,
reconstructing, improving, rehabilitating, policing, using, administering, controlling and
operating such tolled roads.

SECTION 3. Chapter 6C of the General Laws, as so appearing, is hereby amended by
adding the following two new sections:-

Section 77. There shall be within the department an office of rail enhancement. The
office shall be dedicated to improving the productivity, equity and environmental sustainability
of the rail system. The office shall develop and implement short-term, medium-term and long-
term plans for each line of the rail system based on consideration of criteria developed by the
department, including, but not limited to: (i) enhancing performance and ensuring that the rail is
fully integrated into the commonwealth’s transportation system; (ii) instituting a fare and parking
pricing policy that is designed to reduce congestion and maximize ridership and equity; (iii)
ensuring vehicle parking at rail stops; (iv) increasing accessibility for people with disabilities; (v)
prioritizing investments and decisions that maximize ridership return on investments; (vi) reducing carbon emissions; (vii) increasing connectivity with regional transit authorities; and (viii) increasing connectivity with alternative first/last mile transit modes. The office shall develop and implement a stakeholder engagement plan to support its mission. The office shall develop and monitor key metrics to measure performance of its mission and annually make available on the department’s website a public report on the performance metrics and the short-term, medium-term and long-term plans for each line of the rail system.

Section 78. There shall be within the department an office of bus transformation. The office shall be dedicated to improving the productivity, equity and environmental sustainability of the bus system except systems operated by a regional transit authority. The office shall develop and implement short-term, medium-term and long-term plans for the bus system except systems operated by a regional transit authority based on consideration of criteria developed by the department, including, but not limited to: (i) increasing on-time performance, including, but not limited to, efforts to reduce board times and increase priority bus lanes; (ii) instituting a fare policy that maximizes equity and enhances the other missions of the office; (iii) maximizing ridership return on investments; (iv) improving the accessibility of the system for people with disabilities; (v) reducing carbon emissions; (vi) improving inter-municipal relationships to ensure further development of bus lanes and complete street designs; (vii) increasing connectivity with alternative first/last mile transit modes. The office shall develop and implement a stakeholder engagement plan to support its mission. The office shall develop and monitor key metrics to measure performance of its mission and annually make available on the department’s website a public report on the performance metrics and the short-term, medium-term and long-term plans for the bus system.
SECTION 4. Chapter 29 of the General laws, as so appearing, is hereby amended by inserting after section 2HHHHH the following new section:-

Section 2IIIII. (a) There shall be established and set up on the books of the commonwealth a fund to be known as the Transit Authority Fund. The fund shall be credited any monies transferred under section 12 of chapter 159A½ and all monies credited to or transferred to the fund from any other fund or source. Expenditures from the fund shall be subject to appropriation; provided, that 50 per cent of the funds received shall be appropriated for the Massachusetts Bay Transportation Authority; and provided further, that 50 per cent of the funds received shall be appropriated for the regional transit authorities organized under chapter 161B or predecessor statutes.

SECTION 5. Chapter 29 of the General Laws is hereby amended by adding the following new section at the end thereof:-

Section 2DDDDD: Transportation Climate Initiative

(a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

"Allowance", an authorization to emit a fixed amount of carbon dioxide.

“Department”, department of transportation

"Environmental justice population", a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv)
minorities comprise 25 per cent or more of the population and the annual median household
income of the municipality in which the neighborhood is located does not exceed 150 per cent of
the statewide annual median household income; provided, however, that for a neighborhood that
does not meet said criteria, but a geographic portion of that neighborhood meets at least 1
criterion, the secretary may designate that geographic portion as an environmental justice
population upon the petition of at least 10 residents of the geographic portion of that
neighborhood meeting any such criteria; provided further, that the secretary may determine that a
neighborhood, including any geographic portion thereof, shall not be designated an
environmental justice population upon finding that: (A) the annual median household income of
that neighborhood is greater than 125 per cent of the statewide median household income; (B) a
majority of persons age 25 and older in that neighborhood have a college education; (C) the
neighborhood does not bear an unfair burden of environmental pollution; and (D) the
neighborhood has more than limited access to natural resources, including open spaces and water
resources, playgrounds and other constructed outdoor recreational facilities and venues.

“Equity Advisory Body”, a stake holder group that shall be comprised of the following
members: The secretary of transportation ex officio; the secretary of Energy and Environmental
Affairs ex officio; the secretary of health and human ex officio; 1 representative of the
Massachusetts Association of Regional Planning Agencies; 1 representative of the Metropolitan
Mayors Association; 1 representative of the Mayor of the City of Boston; 1 representative of
Green Roots; 1 representative of each Massachusetts Executive Office of Health and Human
Services regions, specifically, 1 representative of a community-based group located within
Region 1 - Western; 1 representative of a community-based group located within Region 2 -
Central; 1 representative of a community-based group located within Region 3 - Northeast; 1
representative of a community-based group located within Region 4 - Metro West; 1
representative of a community-based group located within Region 5 - Southeast; 1 representative
of a community-based group located within Region 6 - Boston; and 1 representative of the Rural
Policy Advisory Commission. A majority of members not serving in an ex officio capacity shall
be residents of a community with an environmental justice population.

“TCI” or “Transportation Climate Initiative”, the Memorandum of Understanding dated
December 21, 2020 and any amendments thereto that establishes a transportation based cap-and-
invest program within the northeast region of the United States and other regions to the extent
that the Memorandum of Understanding is amended.

(b) There shall be established the Transportation Climate Initiative Trust Fund that shall
be administered by the Department of Transportation in consultation of the Executive office of
Energy and Environmental Affairs. All funds from the auction of allowances from the multi-
state Transportation Climate Initiative shall be deposited in said fund.

(c) A minimum of 70 percent of the annual proceeds shall be used to benefit under
overburden and underserved communities with an environmental justice population. A
minimum of 50 percent of all remaining proceeds shall be deposited in the Commonwealth
transportation Fund established under section 2ZZZ of Chapter 29.

(d) The proceeds shall be used, without further appropriation, to reduce greenhouse gas
emissions in the transportation sector and to otherwise achieve the goals of TCI. Funds deposited
in this account shall be used to promote projects and programs that support clean transportation
and promote mobility, including but not limited:
(1) The expansion and modernization of the Commonwealth’s public transportation infrastructure and fleets.

(2) The electrification of the Commonwealth’s public transportation infrastructure and fleets.

(3) The expansion of electric vehicle charging infrastructure within the Commonwealth’s municipalities.

(4) Support of expanding multimodal infrastructure for alternative transportation methods including, complete streets, dedicated bus lanes, bike paths, micro-mobility and pedestrian walkways.

(5) Minimizing transportation costs for low and moderate income individuals and families.

(6) Ensuring first- and last-mile connection to public transit.

(e) Monies in this fund shall only be used to support the programs and activities authorized pursuant to this section and shall not be available to meet the general obligations of the Commonwealth. Balances in this fund shall be carried forward and remain in the fund at the end of each fiscal year and interest earned shall remain in the fund.

(f) Annually, not later than January 1 of each year, the department shall present the Equity Advisory Body with a report for review and recommendation. The report shall detail: (i) the total amount of allowances sold in the previous fiscal year; (ii) the total amount of monies deposited within the trust fund; (iii) itemized distributions made from the fund; (iv) the status of any project or program receiving monies from the fund; (v) the location of any project or
program receiving monies from the fund; (vi) planned allocation of monies for the upcoming fiscal year.

(g) The Equity Advisory Body shall meet within four months of the enactment of this legislation.

(h) The Equity Advisory Body shall meet at least four times each year.

(i) The members of the Equity Advisory Body shall be eligible but not required to accept reimbursement to cover time and reasonable expenses incurred while serving on the Equity Advisory Body, not to exceed $6,000 annually per member.

(j) The Equity Advisory Body shall make recommendations to the secretary of Energy and Environmental Affairs, secretary of Transportation, and commissioner of the Department of Environmental Protection on any regulations necessary to implement or update TCI-P so that the program benefits environmental justice communities. The secretary shall consider the recommendations of the Equity Advisory Body.

SECTION 6. Section 16 of Chapter 62C is hereby amended by adding after clause (l) the following words:-

(m). Every operator, as defined in section one of chapter 64P, subject to taxation under chapter 64P, shall file a return with the commissioner for each calendar month. Each return shall state the gross revenues derived by the operator during such month and such other information as the commissioner may deem necessary.

SECTION 7. The General Laws are hereby amended by, in section 1 of chapter 64A by striking the definition of “tax per gallon” and replacing it with the following new definition:-
“Tax per gallon”, shall be 28 cents per gallon. For aviation fuel, tax per gallon shall mean 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than 10 cents per gallon.

SECTION 8. The General Laws are hereby amended by, in section 1 of chapter 64A by striking the definition of “tax per gallon” and replacing it with the following new definition:

“Tax per gallon”, shall be 32 cents per gallon. For aviation fuel, tax per gallon shall mean 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than 10 cents per gallon.

SECTION 9. The General Laws are hereby amended by, in section 1 of chapter 64A by striking the definition of “tax per gallon” and replacing it with the following new definition:

“Tax per gallon”, shall be 36 cents per gallon. For aviation fuel, tax per gallon shall mean 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than 10 cents per gallon.

SECTION 10. The General Laws are hereby amended by inserting after chapter 64N the following chapter:

CHAPTER 64O.

LOCAL AND REGIONAL TRANSPORTATION BALLOT INITIATIVES.
Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“District agreement”, a document specifying the terms and conditions of the powers and duties of at least 2 municipalities forming a district under section 4 pursuant to the laws governing any such municipalities, this chapter and such procedural regulations as the commissioner of revenue may promulgate.

“Governing body”, the city manager and city council in a city having a Plan D or Plan E charter, the mayor and city council in any other city, the select board or equivalent body in towns.

“Single subject of taxation”, sales, real or personal property, room occupancy or vehicle excise.

“Transportation project”, a project or program for the planning, design or construction of public or mass transportation transit systems, transit-oriented development, roads, bridges, bikeways, pedestrian pathways or other transportation-related projects.

Section 2. (a) This chapter shall take effect in a city or town upon the approval of its governing body and its acceptance by the voters of such city or town by a ballot question as set forth in section 3.

(b) A city or town may impose a tax surcharge on a single subject of taxation within the city or town; provided, however, that except as provided in section 4, no tax surcharge shall be imposed within the city or town unless it has first been approved by the governing body of the
city or town and accepted by a majority of the voters of the city or town through a ballot question as set forth in section 3.

(c) Notwithstanding chapters 59, 60A, 62 or 64H or any other general or special law to the contrary, the governing body of a city or town may vote to accept this chapter authorizing a surcharge on a single subject of taxation. A governing body that intends to accept this chapter shall determine a single subject of taxation to be levied and the amount and rate of surcharge on the single subject of taxation prior to approval by the voters. If the identified single subject of taxation is a real or personal property excise, the amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of chapter 59.

(d) A taxpayer shall be eligible for all exemptions and abatements of any single subject of taxation for which a taxpayer qualifies. A taxpayer receiving an exemption for any single subject of taxation shall be exempt from any tax surcharge on any single subject of taxation established under this section. The tax surcharge to be paid by a taxpayer receiving an abatement of any single subject of taxation shall be reduced in proportion to the amount of such abatement.

(e) Any amount of the tax surcharge not paid by the due date shall bear interest at the rate per annum as authorized by the law for any single subject of taxation.

(f) Revenues raised through the tax surcharge shall be separately accounted for and used by the city or town for transportation projects.

Section 3. (a) Upon approval of the single subject of taxation to be levied and the amount and rate of surcharge on the single subject of taxation by the governing body, the following question shall be placed on the official ballot by the city or town clerk or the state secretary for
acceptance by the voters of the city or town at the next regularly scheduled municipal or state
election in the following form:-

“Shall the (city or town) of ______ accept sections 2 to 5, inclusive, of chapter 64O of the General Laws, as approved by its (governing body), a summary of which appears below

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including the specific single subject of taxation to be levied and the percentage of the surcharge to be imposed.)”

In the ballot question, the city or town may include a list of specific transportation projects for which the tax surcharge funds may be used or a general description of the types of transportation projects for which the tax surcharge may be used. The city or town may also include a sunset provision in the ballot question, but the authorization for the tax surcharge shall not exceed 30 years.

If a majority of the votes cast in answer to the question vote is in the affirmative, this chapter shall take effect in the city or town, or district as set forth in section 4, but not otherwise.

(b) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place this question on the ballot shall be 60 days before the city or town election or 100 days before the state election. For those petitions that will appear on the ballot for the state election, notice shall be provided by filing with the state secretary a certified copy of the governing body’s approval and a copy of the summary as provided in subsection (a).

Section 4. (a) Two or more municipalities may, with the approval of the governing body of each such municipality, form a district for the purposes of implementing this chapter.
(b) For the purposes of subsection (a), if a majority of the votes cast in the district on the question in the affirmative, this chapter shall take effect in the district, but not otherwise.

(c) Two or more municipalities that choose to form a district under this chapter shall apply a tax surcharge to their preferred single subject of taxation. The amount and percentage of the tax surcharge may vary for each municipality that comprises the district.

(d) Two or more municipalities forming a district under this chapter shall adopt a district agreement with the approval of the applicable governing bodies prior to presentment to the voters of the 2 or more municipalities by a ballot question pursuant to section 3. The district agreement shall specify: (i) the purpose and nature of the agreement; (ii) the single municipality to serve as the treasurer of the transportation fund or the regional planning agency to serve as the fiscal agent of the transportation fund under section 7 and that said municipality or regional planning agency shall also serve as the treasurer or fiscal agent for purposes of section 9; (iii) how the transportation fund will be used and for what purposes and how the municipalities will decide on details of use, plan changes or urgent circumstances; (iv) the work to be performed and the division or sharing of responsibility among the municipalities; (v) the estimated costs and the methods of financing the transportation projects; (vi) the method of administration of the transportation fund and the transportation projects to be paid for through the fund; (vii) the composition of the district’s transportation committee, the length of its term and the criteria and method of selecting its members; (viii) the duration of the proposed agreement; and (ix) the amount, type and percentage of the tax surcharge for each municipality that comprises the district.
(e) Nothing in this section shall be construed to: (i) amend, repeal or otherwise alter the authority or jurisdiction of, or establish, a municipality; or (ii) confer any management authority over transportation projects beyond the authority exercised by participating municipalities in the district agreement pursuant to this chapter.

Section 5. (a) Upon acceptance of this chapter, the satisfaction of the requirements of this chapter and the assessors’ warrant to the tax collector, the accepted tax surcharge shall be imposed in the city or town. The city, town or district shall notify the commissioner of revenue of the date and terms on which the voters accepted this chapter.

(b) For a tax surcharge levied on either the property tax or excise, after receipt of the warrant, the tax collector shall collect the tax surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of the single subject of taxation, to the treasurer of the city, town or district. The tax collector shall maintain appropriate books and accounts with respect to the tax surcharge, which shall be subject to public examination upon reasonable request.

(c) Two or more municipalities forming a district shall select 1 of the municipalities or the regional planning agency to serve as the district’s treasurer for the purposes of this chapter. The district agreement shall establish the method of selecting the district treasurer. The municipality or regional planning agency selected to serve as the district treasurer shall perform the duties thereof in accordance with section 5 and in accordance with chapter 41. Two or more municipalities forming a district shall also select that same municipality or regional planning
agency to receive funds and provide certification for all municipalities within the district for the purposes of section 9 and in accordance with section 4.

Section 6. (a) A city or town that accepts this chapter, either on its own or as part of a district, shall, within 90 days after such acceptance, establish by ordinance or by-law and, in the case of a district, the ordinance or by-law shall be established by all member municipalities, a transportation committee. The committee shall consist of not less than 5 members. The ordinance or by-law shall determine the composition of the committee, the length of the term of appointment of the members and the criteria and method of selecting the members. The committee shall include, but not be limited to, at least: (i) 1 representative from the municipality; (ii) 1 member of each regional transit authority to which the city or town is a member community, if any; (iii) 1 member of the regional planning agency to which the city or town is a member community; and (vi) any other such persons, as determined by the ordinance or by-law.

(b) Each transportation committee shall study the transportation-related needs, possibilities and resources of the city, town or district. The committee shall consult with existing transportation agencies including, but not limited to, regional planning agencies, to develop transportation projects in accordance with the ballot initiative. If a list of transportation projects for which the tax surcharge funds may be used was included in a ballot question, the committee shall include those projects in its study; provided, however, that the committee shall not be required to recommend those projects unless otherwise required by the ballot initiative.

(c) Each transportation committee shall be subject to subsection (a) of section 19 of chapter 30A. Each transportation committee shall keep a full and accurate account of all of its actions, including its recommendations and the actions taken on them and records of all
appropriations or expenditures made from the Local and Regional Transportation Fund as set forth in section 7. The records and accounts of the committee shall be public records.

(d) Each city, town or district, as applicable, shall consult with the entity proposed to own and maintain the transportation project prior to listing any transportation project on the ballot as set forth in this chapter. If any such city, town or district includes no specific transportation projects in the ballot question, the transportation committee shall receive the approval of the regional planning agency prior to submitting the local transportation committee’s recommendations to a governing body unless the transportation-related project or activity is solely under local jurisdiction. The city, town or district shall study projects that promote access to public transportation, biking and walking.

(e) At least once every 2 fiscal years, each transportation committee shall make recommendations to the governing body of the applicable city, town or district regarding efficient and effective ways to improve and enhance local transportation systems in the city, town or district. Recommendations to the governing body of the city, town or district shall include anticipated costs over the life cycle of the transportation project. The committee may include in its recommendation to the governing body a recommendation to set aside for the later spending of funds for specific purposes that are consistent with transportation-related purposes but for which sufficient revenues are not currently available in the Local and Regional Transportation Fund to accomplish those specific purposes, to satisfy debt payments incurred from transportation-related projects or to set aside for later spending funds for general purposes that are consistent with transportation improvements and in accordance with the ballot initiative.
(f) After receiving such recommendations from the transportation committee, the governing body of a city, town or district shall take such action and approve such appropriations from the Local and Regional Transportation Fund as may be necessary and appropriate for the recommendations of the transportation committee and such additional appropriations as the governing body deems appropriate to carry out the recommendations of the transportation committee and in accordance with the ballot initiative.

Section 7. (a) Notwithstanding section 53 of chapter 44 or any other general or special law to the contrary, a city, town or district that accepts this chapter shall establish a Local and Regional Transportation Fund, of which the municipal treasurer or fiscal agent shall be the custodian. The authority to approve expenditures from the fund shall be limited to the governing body of any city or town, or the designated municipal treasurer or regional planning agency of the district, as applicable, and the municipal treasurer or fiscal agent shall pay such expenditures in accordance with chapter 41.

(b) Two or more municipalities forming a district shall select 1 of the municipalities or a regional planning agency to establish a Local and Regional Transportation Fund. The municipality or regional planning agency selected to establish the fund shall only use the funds for the district as a whole through the designated fiscal agent and based solely upon the recommendations and approvals of the transportation committee as set forth in this chapter. Administration of the fund by the fiscal agent may, at the option of the governing body of any member city or town, be subject to the further approval of the governing body.

(c) The following funds shall be deposited in the Local and Regional Transportation Fund: (i) all funds collected from the tax surcharge on any single subject of taxation pursuant to
section 3; provided, however, that if the single subject of taxation is a tax collected at the state
level, such funds shall be deposited with the department of revenue in accordance with sections 8
and 9; and (ii) all funds received from the commonwealth or any other source for such purposes.

The treasurer or fiscal agent may: (i) deposit or invest the proceeds of the fund in savings banks,
trust companies incorporated under the laws of the commonwealth, banking companies
incorporated under the laws of the commonwealth that are members of the Federal Deposit
Insurance Corporation or national banks; or (ii) invest the proceeds in paid-up shares and
accounts of and in co-operative banks, in shares of savings and loan associations or in shares of
federal savings and loan associations doing business in the commonwealth or in the manner
authorized by section 54 of chapter 44; provided, however, that any income derived therefrom
shall be credited to the fund.

The expenditure of revenues from the fund shall be limited to implementing the
recommendations of the transportation committees, to providing administrative and operating
expenses to the committees and in accordance with the ballot initiative. The city or town, or the
municipal treasurer or regional planning agency of the district as set forth in section 4, shall not
divert revenues derived from the tax surcharge into any other fund created by law or ordinance.

(d) Only those cities, towns and districts that adopt the tax surcharge allowed by this
chapter shall be eligible to receive funds through the Local and Regional Transportation Fund.

Section 8. (a) There shall be a Massachusetts Local and Regional Transportation Trust
Fund, for the benefit of cities, towns and districts that have accepted this chapter and imposed a
surcharge on a tax collected by the commonwealth, subject to any exemptions adopted by the
city, town or district. The fund shall consist of all of the following revenues received by the
commonwealth from: (i) the tax surcharge pursuant to section 3; (ii) public and private sources as gifts, grants and donations to further local or regional transportation projects; and (iii) any other fund or source credited or transferred to it pursuant to law.

(b) The state treasurer shall deposit revenues received by any such tax surcharge into the fund in accordance with section 9 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit be available for withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings thereon shall be deposited into the fund. The fund shall be administered in a manner to separately account for revenues raised by each city, town or district and held for the benefit of such city, town or district. The fund shall be expended solely for the administration and implementation of this chapter. Any unexpended balances shall be redeposited for future use by the city, town or district consistent with this chapter.

(c) The state treasurer shall make all disbursements and expenditures from the fund without further appropriation, as directed by the commissioner of revenue in accordance with section 9. The department of revenue shall report by source all amounts credited to said fund and all expenditures from said fund. The commissioner of revenue shall assign personnel of the department as it may need to administer and manage the fund disbursements and any expense incurred by the department shall be deemed an operating and administrative expense of the program. The operating and administrative expenses shall not exceed 3 per cent of the annual total revenue deposited into the fund.

Section 9. (a) Upon certification of the commissioner of revenue, all funds received by the commissioner under this chapter shall, not less than quarterly, be distributed, credited and
paid by the state treasurer to each city or town, or to the municipal treasurer or regional planning agency of a district. The city or town or the municipal treasurer or regional planning agency of a district shall notify the commissioner of its acceptance of the funds.

(b) The state treasurer, upon certification of the commissioner, shall distribute the funds to the city or town or to the municipal treasurer or regional planning agency of the district based on the proportional amount the city, town or district has raised by imposing the tax surcharge.

The total distribution of funds shall include all sources of revenue raised in the previous year as set forth in subsection (a) of section 8, less not more than 3 per cent of the annual total revenue of the fund, as set forth in subsection (c) of said section 8. Any city, town or district seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the funds were distributed by the commissioner to the city, town or district.

(c) The commissioner shall not divert revenues derived from the tax surcharge into any other fund created by law.

(d) Notwithstanding any general or special law to the contrary, the commissioner may make available to cities, towns and districts any information necessary for the administration of the tax surcharge authorized by this chapter including, but not limited to, a report of the amount of the surcharge on tax collected in the aggregate by each city, town or district in the preceding fiscal year and the identification of each individual vendor collecting the surcharge on sales tax collected under this chapter.

Section 10. (a) At any time after imposition of the tax surcharge, the governing body of each city or town may approve and the voters may accept an amendment to the amount and
computation of the tax surcharge in the same manner and subject to the same requirements as set forth in this chapter.

(b) At any time after imposition of the tax surcharge, a district under section 4, with the approval of the majority of voters in the district may accept an amendment to the amount and computation of the tax surcharge in the same manner and subject to the same requirements as set forth in this chapter so that the surcharge becomes uniform in all municipalities of the district.

Section 11. The commissioner of revenue may promulgate rules and regulations to implement this chapter.

SECTION 11. The General Laws are hereby amended by after chapter 64O by adding the following new chapter:-

Chapter 64P – Commercial Parking Surcharge

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Commercial parking Facility”, Any area, other than a street, used for the temporary parking of two or more vehicles, maintained for profit or gain of an operator.

“Commissioner”, the commissioner of Revenue

“Operator”, a person operating a commercial or residential parking facility including, but not limited to, the owner, proprietor, manager, lessee, sublessee mortgagee in possession or any other person operating a commercial or residential parking facility.
“parking space”, an area within a commercial or residential parking facility used for the temporary parking of one vehicle.

“Residential housing”, any building of twenty or more units used for the purposes of providing housing, but not any building maintained by the Commonwealth or a municipality for the purposes of providing public housing nor any building that is provided a subsidy by the commonwealth or a municipality for the purposes of providing affordable housing.

“Residential Parking Facility”, any area, other than a street, used for the temporary or permanent parking of twenty or more vehicles, maintained for the purposes of providing parking for residential housing.

Section 2. An excise is hereby imposed upon the sale, rental, leasing or licensing of a parking space within a commercial or residential parking facility by an operator at a rate of 6.25 percent of the total sales price received as consideration for the use of the parking space. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by an operator to the commissioner at the time provided for filing the return required by section 16 of chapter 62C of the General Laws.

Section 3. a) A city or town that accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon sale, rental, leasing or licensing of parking spaces within a commercial or residential parking facility by an operator operating within the city or town not greater than 2.5 per cent of the total sales price received by the operator as a consideration for the use of the parking space; provided that a city or town that accepts this section may also impose a cap on total number of commercial or residential parking spaces
within the municipality. The operator shall pay the local sales tax imposed under this section to
the commissioner at the same time and in the same manner as the sales tax due to the
commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be
distributed, credited and paid by the treasurer and receiver-general upon certification of the
commissioner to each city or town that has accepted this section in proportion to the amount of
the sums received in that city or town. Any city or town seeking to dispute the commissioner's
calculation of its distribution under this subsection shall notify the commissioner, in writing, not
later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) Any sums received by a city or town shall be dedicated to improving transportation
within the municipality, including but not limited to the construction or development of:
complete streets, pedestrian walkways, dedicated bus lanes, bike lanes or paths, micro-mobility
infrastructure, and electric vehicle charging infrastructure.

Section 4. The provisions of this chapter shall not apply to any facility providing parking
to public transportation stations.

Section 5. The commissioner shall deposit revenue collected pursuant to this chapter,
other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the
Commonwealth Transportation Fund, established under section 2zzz of Chapter 29 of the
General Laws.

SECTION 12. Section 33 of Chapter 90 of the General Laws, as so appearing, is hereby
amended by striking clause (2) in its entirety and replacing it with the following words:-
(2) For the registration of every motor vehicle; provided that the registrar shall establish the following tiered schedule of fees for motor vehicles: Tier 1 vehicles with a resale value of not less than $50,000; Tier 2 vehicles with a resale value of not more than $50,000; and Tier 3 zero emission vehicles; provided that Tier 2 fees shall not be more than 50% of the amount charged for Tier 1 vehicles; provided further that Tier 3 fees shall not be more than 10% of the amount charged for Tier 1 vehicles; provided that said fee shall be collected every other year. The registrar shall collect such similar fee, in addition to incurred administrative costs for the issuance in connection therewith, at the request of the applicant, of a distinctive initial plate, or of a particular number plate other than a distinctive initial plate; provided, however, that the registrar shall collect a similar fee for the issuance of a number plate bearing the station call letters of an amateur radio operator. Said registrar shall make available to registered owners of motor vehicles any unissued or returned distinctive initialed or numbered registration plates.

SECTION 13. Section 1 of chapter 159A½ of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following new definitions:-

“Luxury ride”, a non-shared pre-arranged ride in a vehicle that is registered as a livery vehicle.

“Non-shared ride”, a pre-arranged ride that is not a shared ride.

“Shared ride”, a pre-arranged ride requested or selected by a rider, which may be shared with 1 or more riders, who each independently use transportation network services to select the pre-arranged ride, regardless of whether the rider actually shares all or part of the ride with 1 or more riders; provided, that each rider is charged a fare that is calculated, in part, based on the rider’s request or acceptance of the request to share all or part of the pre-arranged ride.
SECTION 14. Said chapter 159A½, as so appearing, is hereby further amended by adding the following 2 sections:—

Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund. The director of the division shall be the trustee of the Fund and shall expend money in the fund to address the impact of transportation network services. There shall be credited to the Fund: (i) any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on money in the Fund. Amounts credited to the Fund shall be expended by the director pursuant to subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) Annually, not later than February 1, each transportation network company shall submit to the director of the division the number of rides, broken down by shared rides and non-shared rides, including the number of luxury rides, from the previous calendar year that originated within each city or town and a per-ride assessment. The per-ride assessment shall be as follows: (i) a shared ride shall have a per-ride assessment of $0.40; and (ii) a non-shared ride shall have a per-ride assessment of $1.20; provided, that a shared or non-shared luxury ride shall have an additional per-ride assessment of $1.00; and provided further, that the per-ride assessment shall be based upon the pre-arranged ride, as offered by the transportation network company and selected by the rider; provided however, the per-ride assessment shall not apply to a pre-arranged ride requested or selected by a rider who has requested or selected the pre-arranged ride through a program established to provide transportation network services to individuals who are eligible for paratransit services.
(c) From the funds received from the per-ride assessment of shared and non-shared rides, the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number of shared and non-shared rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29; and (iii) distribute 25 per cent to the Transit Authority Fund, established in section 2IIIII of chapter 29.

(d) From the funds received from the additional per-ride assessment for luxury rides, pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent of the amount received to a city or town based on the number of luxury rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; and (ii) distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of chapter 29.

(e) By December 31 of each year in which a city or town receives a disbursement of more than $25,000 from the Fund, that city or town shall submit a report to the director of the division
that details the projects and the amount used or planned to be used for transportation-related
projects as described in subsections (c) and (d).

By December 31 of the year in which a city or town receives a cumulative total of more
than $25,000 in disbursements from the Fund since its last report to the director of the division,
that city or town shall submit a report to the director of the division that details the projects and
the amount used or planned to be used for transportation-related projects as described in
subsections (c) and (d) for each disbursement from the Fund since the city or town’s last report
to the director of the division.

For a city or town whose cumulative total disbursements from the Fund have not
exceeded $25,000 in the 5 years since its last report to the director of the division, that city or
town shall submit a report to the director of the division by December 31 of the fifth year since
its last report to the director of the division. That report shall detail the projects and the amount
used or planned to be used for transportation-related projects as described in subsections (c) and
(d) for each annual disbursement from the Fund since the city or town’s last report to the director
of the division.

The division shall withhold future disbursements from the Fund from any city or town
that does not comply with the reporting requirements of this subsection. The withheld funds shall
be disbursed when the city or town complies with the requirements of this subsection.

On an annual basis, the director shall compile the reports and post the projects and
amounts of money expended on the website of the division.

(f) A public transit access fee of $0.20 shall be assessed on each pre-arranged ride that
both originates and terminates within the fourteen cities and towns, as defined in section 1 of
chapter 161A. All public transit access fees collected by the Division pursuant to this subsection shall be deposited into a segregated account within the Commonwealth Transportation Fund established under section 2ZZZ of chapter 29, and, subject to appropriation, shall only be expended for capital or operating expenses, including but not limited to the low income fare program, of the Massachusetts Bay Transportation Authority.

SECTION 15. Said chapter 159A½ is hereby further amended by adding the following section:-

Section 13. (a) On the first day of each month, each transportation network company shall submit to the division, in a format approved by the division, data related to each pre-arranged ride provided in the month prior to the previous month and shall include:

(i) for each non-shared ride: (A) the latitude and longitude for the points of the origination and termination, calculated to 0.001 decimal degrees; (B) the date and time of the origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider for the ride; (D) the universally-unique identifier associated with the transportation network driver; (E) the transportation network driver’s city or town of residence as appearing on the driver’s license; (F) whether the rider requested a shared ride but was not successfully matched with another rider; (G) whether the rider requested accommodation for special needs; (H) whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any driver or rider-initiated cancellations; (J) the total time that the transportation network driver spent on the way to pick up the rider; (K) the total time that the transportation network driver spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the
way to pick up the rider; (N) the total mileage driven by the transportation network driver while
providing the pre-arranged ride; (O) the total number of riders in the vehicle; and (P) the
transportation network vehicle license plate;

(ii) for each shared ride: (A) the latitude and longitude for the points of the origination
and termination of the entire shared ride, calculated to 0.001 decimal degrees; (B) the total
number of riders in the vehicle; (C) for each pre-arranged ride that was part of a shared ride: (1)
the latitude and longitude for the points of each respective pre-arranged ride’s origination and
termination, calculated to 0.001 decimal degrees; (2) the date and time of each respective
prearranged ride’s origination and termination, calculated to the nearest minute; (3) the total time
that the transportation network driver spent on the way to pick up each rider; (4) the total time
that the transportation network driver spent providing each pre-arranged ride; (5) the total
mileage driven by the transportation network driver while on the way to pick up each rider; (6)
the total mileage driven by the transportation network while providing each pre-arranged ride;
(7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique
identifier associated with the transportation network driver; (9) the transportation network
driver’s city or town of residence as appearing on the driver’s license; (10) the transportation
network vehicle license plate; and (11) whether the rider requested a shared ride but was not
successfully matched with another rider;

(iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)
the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle
identification number; (D) the total number of minutes and miles while the vehicle was on the
way to pick up transportation network riders; (E) the total number of minutes and miles while the
vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of minutes and miles while the vehicle was logged into the transportation network vehicle’s digital network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion, battery-sourced electricity or a hybrid; and

(iv) for each accident or crash involving a transportation network driver while logged into the transportation network vehicle’s digital network: (A) the latitude and longitude of the location of the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier associated with the transportation network driver.

(b) The division may obtain additional ride data from a transportation network company for the purposes of congestion management, which may include, but shall not be limited to: (i) the total number of transportation network drivers that utilized the transportation network vehicle’s digital network within specified geographic areas and time periods as determined by the division; (ii) the total time spent and total miles driven by transportation network drivers in such geographic areas or time periods as determined by the division: (A) while on the way to pick up a rider; or (B) while engaged in a prearranged ride.

The division shall promulgate regulations relative to data collection pursuant to this subsection prior to obtaining the data.

(c) Annually, not later than June 30, the division shall post on its website, in aggregate form, the total number of rides provided by all transportation network companies that originated in each city or town, each city or town where the rides originating in each city or town
terminated and the average miles and minutes of the rides that originated in each city or town
and terminated in each other respective city or town.

(d) For the purposes of congestion management, transportation planning or emissions
tracking, the division may enter into confidential data-sharing agreements to share de-identified,
trip-level data received by the division pursuant to this section with the executive office of
technology services and security, the executive office of energy and environmental affairs, the
Massachusetts Department of Transportation, the Massachusetts Port Authority, the
Massachusetts Bay Transportation Authority, the department of environmental protection, a
Massachusetts regional transit authority established under section 3 of chapter 161B, a
Massachusetts regional planning agency and a Massachusetts metropolitan planning
organization. The division shall prescribe the form and content of a confidential data-sharing
agreement, the manner of transmitting the information and the information security measures
that must be employed by any entity receiving the data. Any confidential data-sharing agreement
shall specify that the information provided by the division shall be aggregated and de-identified
and may be used only for the purposes set forth in the agreement. Any data received by an entity
from the division through a confidential data-sharing agreement under this subsection shall not
be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66
and shall not be disclosed to any person or entity other than those listed or described in the
confidential data-sharing agreement; provided, however, that a state or municipal government
agency or transportation planning entity may disclose conclusions and analyses derived from the
information and data received pursuant to a confidential data-sharing agreement.

(e) A violation of the terms of a confidential data-sharing agreement by an entity listed in
subsection (d) may result in the division declining to enter into future confidential data-sharing
agreements with the violating entity and in the termination of any existing data-sharing agreement with the entity. The division shall notify each transportation network company whose data was shared in violation of the terms of a confidential data-sharing agreement of the violating entity and what data was shared. An entity listed in subsection (d) that violates the terms of a confidential data-sharing agreement shall delete all data received as a result of the confidential data-sharing agreement.

SECTION 16. Sections 8 to 10, inclusive, and sections 17 to 18 of chapter 187 of the acts of 2016 are hereby repealed.

SECTION 17. Section 3 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of directors of the Massachusetts Department of Transportation established in chapter 6C” and inserting in place thereof the following words:- Massachusetts Bay Transportation Authority board of directors established in section 7.

SECTION 18 Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in line 16, the words “secretary of transportation” and inserting in place thereof the following word:- board.

SECTION 19. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in line 23, the words “Said secretary” and inserting in place thereof the following words:- The secretary of transportation.

SECTION 20. Clause (d) of said section 3 of said chapter 161A, as so appearing, is hereby amended by adding the following sentence:- A vote under this clause relative to the
employment status of the general manager shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 21. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in lines 39 to 41, inclusive, the words “secretary of transportation; and provided further, that said secretary shall notify the secretary of administration and finance of any such approval” and inserting in place thereof the following words:- board; and provided further, that approval of any such agreement shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 22. Said chapter 161A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. (a) The authority shall be governed and its corporate powers exercised by a Massachusetts Bay Transportation Authority board of directors that shall consist of 7 members. The secretary of transportation shall be a member and shall serve ex officio.

The governor shall appoint 5 members, 1 of whom shall have experience in transportation operations and safety, 1 of whom shall have experience in public or private finance, 1 of whom shall have experience in transportation or urban planning, 1 of whom shall be a representative of a labor organization and 1 of whom shall have municipal government experience in the service area constituting the authority. At least 1 of the members appointed by the governor shall be a rider, as defined in section 1, shall be a resident of an environmental justice population.

The advisory board, as established under section 7A, shall appoint 1 member who shall have municipal government experience in the service area constituting the authority.
The members appointed with municipal government experience in the service area constituting the authority shall represent not less than 2 of the following service areas: (i) the 14 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy from a member appointed with municipal government experience in the service area constituting the authority who has served for 2 full terms shall be filled with a member with municipal government experience from a different service area of the authority than the departing member. Not less than 2 of the appointed members shall also be members of the board of directors of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

In making selections to the Massachusetts Bay Transportation Authority board of directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are reflective of the population served by the authority.

(b) The term of each member, except for the secretary of transportation, shall be 4 years; provided, however, that 3 of the members appointed by the governor, not including the secretary of transportation, shall serve for terms that are coterminous with the governor. A member shall be eligible for reappointment; provided, however, that a member shall not serve more than 2 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

(c) The governor shall designate 1 member to serve as chair and the board shall elect 1 member to serve as vice-chair; provided, however, the secretary of transportation shall not serve as chair or vice-chair.

(d) Four members of the board shall constitute a quorum and the affirmative vote of a majority of members present at a duly called meeting, if a quorum is present, shall be necessary
for any action taken by the board; provided however, that a vote under clause (d) or (f) of section
3 shall require the affirmative vote of not less than 5 members if the secretary is not in the voting
majority if provided for in said clauses (d) and (f) of said section 3. Any action required or
permitted to be taken at a meeting of the board may be taken without a meeting if all of the
members consent in writing to such action and such written consent is filed with the records of
the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting.

(e) The board shall be afforded all the powers, responsibilities and obligations under this
chapter. The board may delegate any powers, responsibilities and obligations specifically
afforded to it to the general manager unless otherwise prohibited by this section. The board shall
adopt a written policy providing for the delegation of any of its powers and duties.

(f) The members of the board, except for the secretary of transportation, shall receive a
stipend of $12,000 per year for the discharge of their official duties.

(g) Meetings of the board and its subcommittees shall be subject to sections 18 to 25,
inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

(h) The board shall meet at least 1 time per month and not less than 20 times per calendar
year.

(i) Each member shall make full disclosure of financial interest, if any, in matters before
the board by notifying the state ethics commission, in writing, and shall abstain from voting on
any matter before the board in which the member has a financial interest, unless otherwise
permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary of
transportation in the secretary’s capacity as an ex officio member. Said chapters 268A and 268B
shall apply to all other members of the board, except that the board may purchase from, sell to,
borrow from, loan to, contract with or otherwise deal with any person with which any member of
the board has an interest or involvement; provided, however, that: (i) such interest or
involvement is disclosed in advance to the members of the board and recorded in the minutes of
the board; and (ii) no member having such interest or involvement may participate in a decision
of the board relating to such interest or involvement. Employment by the commonwealth or
service in any agency thereof shall not be deemed to be such an interest or involvement.

(j) Members shall not be liable to the commonwealth, the authority, or any other person
as a result of their activities related to their duties as members of the board, whether ministerial
or discretionary, except for willful dishonesty or intentional violations of law. The board may
purchase liability insurance for members, officers and employees of the board and may
indemnify such persons against the claims of others.

SECTION 23. Section 20 of said chapter 161A is hereby amended by striking out, in line
5, the word “secretary” and inserting in place thereof the following word:- authority.

SECTION 24. Said section 20 of said chapter 161A is hereby further amended by striking
out, in line 29, the word “secretary” and inserting in place thereof the following word:- authority.

SECTION 25. Chapter 46 of the acts of 2015 is here by amended by striking out sections
199 to 208, inclusive.

SECTION 26. Notwithstanding any general or special law to the contrary, in making
initial appointments to the Massachusetts Bay Transportation Authority board of directors
established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
governor’s 2 members whose terms are not coterminous with the term of the governor to the
SECTION 27. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority, in coordination with the Office of Bus Transformation as established under section 78 of Chapter 6C, shall establish a bus system master plan. The plan shall include, but not be limited to: i) goals for increasing frequency, ridership and fleet size; ii) an established plan for expanding dedicated bus lanes; iii) planned improvements for signal prioritization; iv) a regionalized plan that emphasizes connectivity to multi-modal transportation options; v) enforcement of bus lane violations; vi) repairs and expansions of storage and maintenance facilities; vii) increases to maintenance and service staff levels; viii) a detailed plan for reducing the authority’s carbon each year; and ix) targets for conversion to a zero emission vehicle fleet by 2035. In developing the master plan, the Authority shall consult with transportation organizations, developers, affected municipalities and other stakeholders including but not limited to: i) The MBTA Advisory Board as established under section 7A of Chapter 161A of the General Laws; ii) the Massachusetts Department of Transportation; iii) the cities and towns included in the area of service as defined in section 1 of said chapter 161A; iv) the Boston Planning and Development Agency; v) The Chief of Streets for the City of Boston; vi) Metropolitan Mayors Coalition; vii) The Mayor of the City Lynn of its designee; viii) TransitMatters; ix) the Conservation Law Foundation; and x) Livable Streets. The Authority shall file the plan with towns and cities within the area of service, the clerks of the House and Senate, and the Joint Committee on Transportation not later than July 31, 2023.

SECTION 28. (a) There shall be a special commission on the formula for reimbursing municipalities for the costs of constructing, repairing and improving municipal roadways and
bridges, as established under section 4(b) of chapter 6C of the General Laws. The commission shall consist of: the secretary of transportation or a designee; 2 legislators to be appointed by the Senate President; 2 legislators to be appointed by the Speaker of the House of Representatives; 2 representatives of Massachusetts Association of Regional Planning Authorities; 1 representative of the Massachusetts Municipal Association; 1 representative of the Metropolitan Mayors Coalition; 1 representative of the town of Lee; 1 representative of the town of Mount Washington; the Mayor of Pittsfield or a designee; the Mayor of Springfield or a designee; 1 representative of the South Coast Chamber of Commerce; 1 representative of the Cape Cod Regional Transit Authority; and 1 representative from the 495 Partnership.

(b) the commission shall (i) identify and analyze the needs and methods of distributing funds to municipalities for the purposes of maintaining, repairing and improving roads and bridges; ii) the study and analyze costs associated with maintaining and improving roads and bridges in rural municipalities; iii) study and analyze the needs of communities with limited access to public transportation; iv) recommend reimbursement rates based on road mileage; v) recommend reimbursement rates based on employment rates in a municipality; and vi) recommend reimbursement rates based on population of the municipality.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of mitigation measures to address social equity issues including, but not limited to, social equity issues for communities underserved by the current transportation.
SECTION 29. (a) There shall be a special task force on commuter rail parking and access to investigate, study and make recommendations on the development, expansion and improvement of Commuter rail parking and connectivity. The task force shall consist of 7 members: the general manager of the MBTA or a designee, 1 person representing the organization or contractor operating commuter rail services, 1 representing the 128 Business Council, 1 person representing the MetroWest Regional Transit Authority, 1 person representing the 495 partnership, 1 person representing the Institute for Transportation & Development Policy, 1 person representing Mass Commute, and 1 person representing the Massachusetts Association of Regional Planning Authorities.

(b) The commission shall (i) identify and analyze commuter rail stations with a need for expanded parking access or connectivity; (ii) the propose detailed methods and plans for expanding parking at existing commuter rail stations; (iii) propose detail methods and plans for increasing connectivity to stations by use of RTA, TMA, micro-mobility, and other first/last mile solutions; (iv) review and analyze ridership levels at commuter rail stations; (v) review and analyze highway congestion patterns along commuter rail routes; (vi) engage with municipal leaders to develop programs to improve connectivity and parking access; (vii) propose methods for reducing or eliminating parking fees at commuter rail stations; (viii) propose plans for and improving electric vehicle charging infrastructure at commuter rail parking facilities.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of
mitigation measures to address social equity issues including, but not limited to, social equity issues for communities underserved by the current transportation.

SECTION 30. (a) There shall be a special commission on roadway and congestion pricing to investigate, study and make recommendations on the development and deployment of comprehensive and regionally-equitable roadway pricing and congestion pricing mechanisms which shall include, without limitation, greater Boston metropolitan area roadways, major bridges and interstate highways near the commonwealth’s borders. The commission shall consist of: the secretary of transportation or a designee; 2 persons to be appointed by the senate president, 1 of whom shall be the senate chair of the joint committee on transportation; 2 persons to be appointed by the speaker of the house of representatives, 1 of whom shall be the house chair of the joint committee on transportation; and 13 members to be appointed by the governor: 1 of whom shall be an expert in transportation planning and policy who is not an employee of the commonwealth or any political subdivision, who shall serve as chair, 1 of whom shall be an expert in tolling systems or toll authorities, 1 of who shall be a member of the Metropolitan Area Planning Council, 1 of whom shall be an expert in transportation financing, 2 of whom shall be experts in traffic congestion and congestion pricing, 1 of whom shall be a representative of transportation network companies, 1 of whom shall be a representative of the Boston Chamber of Commerce, 2 of whom shall be members of the Massachusetts Municipal Association who represent geographically diverse areas, 1 of whom shall be a member of the business community and 2 of whom shall be employed by organizations that represents low-income communities that have been historically underserved by transit and acutely adversely affected by the public health impacts of traffic congestion; provided, however, that the members shall not be from the same organization.
(b) The commission shall: (i) identify and analyze physical, technological, legal and other issues or requirements related to roadway pricing in the commonwealth; (ii) propose detailed specifications and regionally-equitable locations for toll gantries and other equipment necessary to assess and collect tolls; (iii) advise the Massachusetts Department of Transportation on roadway pricing scenarios under the federal Value Pricing Pilot Program; (iv) provide estimates of annual operation and maintenance costs; (v) provide estimates of annual revenue; (vi) provide traffic forecasts including forecasts of traffic diversion impacts; (vii) provide a regional and social equity analysis with specific recommendations related to mitigating adverse impacts; and (viii) provide potential impacts on vehicular emissions reduction. The commission shall also identify all local, state and federal approvals necessary to deploy new tolls and other roadway pricing mechanisms on relevant roadways.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of mitigation measures to address social equity issues including, but not limited to, social equity issues for communities underserved by the current transportation system and most directly impacted by congestion.

SECTION 31. Not later than December 31, 2021, the Massachusetts Department of Transportation shall seek approval from the Federal Highway Administration under the Value Pricing Pilot Program established in Section 1012 (b) of the Intermodal Surface Transportation Efficiency Act, Pub. L. 102-240; 105 Sta. 1914, as amended by section 1216(a) of the Transportation Equity Act, Pub. L. 105-178; 112 Sta. 107, and section 1604(a) of the Safe,
Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub.L.109-59;119 Stat. 1144 or shall apply to the United States Department of Transportation to enter into a tolling agreement or memorandum of understanding with the Federal Highway Administration. The department shall take all actions necessary to gain approval, including completion of all feasibility traffic, revenue and other studies necessary to ensure compliance with applicable federal and state requirements. The department, in coordination and consultation with the special commission on roadway and congestion pricing established in section 40, shall commence or support activities in support of an application for road pricing under the federal program including, but not limited to, feasibility studies, records of decisions, site selection, environmental impact studies, traffic diversion studies, revenue studies and any other studies or analyses required to implement this section.

SECTION 32. The Massachusetts Department of Transportation shall conduct a study to examine the feasibility of mileage-based revenue collection for the commonwealth’s roads and highways as an alternative to the current system of taxing roadway use. The study shall: (i) test the reliability, ease of use, cost and public acceptance of technology and methods for: (A) counting the number of miles traveled by particular vehicles; (B) reporting the number of miles traveled by particular vehicles; and (C) collecting payments from individuals; (ii) analyze and evaluate the effectiveness of different technologies and methods to: (A) protect the integrity of data collected and reported; (B) ensure driver privacy; and (C) vary pricing based on the time of driving, type of road, proximity to transit, vehicle fuel efficiency, participation in car sharing or pooling of income of the driver; and (iii) examine the impact of assessing a vehicle mileage user fee on the economy, the environment and traffic congestion. The department shall submit its
findings to the clerks of the senate and house of representatives and the joint committee on transportation not later than March 31, 2023

SECTION 33. Notwithstanding any general or special law to the contrary, the amounts distributed under clause (iii) of subsection (c) of section 8 of chapter 187 of the acts of 2016 and clause (ii) of section 9 of said chapter 187 shall be dedicated to the purposes of the fare programs established under sections 33 through 35.

SECTION 34. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall implement a fare free system to all riders on bus routes operated by said Authority or its contractors.

(b) In implementing the fare free bus system, the Massachusetts Bay Transportation Authority shall conduct a review of costs associated with operating bus service in the Commonwealth. The authority shall consider the costs associated with fare collection, costs associated fare enforcement on bus routes, The projected costs associated with implementing AFC 2.0, any savings associated with the removal of fare collection services, ridership levels, and changes in congestion along bus routes. In conducting the study, the Authority shall consult with municipalities within the Authority’s service area and transportation advocacy organizations including the Metropolitan Area Planning Council, Livable Streets, and the City of Boston. The Authority shall file the report with the Clerks of the House and Senate and the Joint Committee on Transportation not later than January 1, 2024.

SECTION 35. Notwithstanding any general or special law to the contrary, the Regional Transit Authority Council, as established in section 27 of chapter 161B of the General Laws,
shall provide each regional transit authority with assistance to implement a fare free program to all riders on all modes of transportation operated by each authority.

SECTION 36. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority, in coordination with the secretary of health and human services, shall implement a low-income fare program that provides free or discounted transit fares to qualifying riders on all modes of transportation operated by the authority.

(b) In developing the low-income fare program, the Massachusetts Bay Transit Authority shall develop a stakeholder engagement plan and implementation analysis. The engagement plan shall ensure engagement with relevant stakeholders and provide opportunities for public input in geographically-diverse service areas of the authority.

The analysis shall include, but not be limited to, an examination of: (i) the number of riders anticipated to benefit from the program; (ii) the average reductions of each fare, by mode; (iii) the overall impact on revenue to the system; (iv) partnership models for determining eligibility requirements and the verification method; and (v) estimated costs associated with the administration and marketing of the program.

The implementation analysis shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than March 15, 2023.

SECTION 37. Notwithstanding any general of special law to the contrary, the Massachusetts Bay Transportation Authority shall implement a temporary pilot program for late night service on bus and rapid transit rail lines. The late-night service shall run Monday through
Thursday with cessation in service occurring not earlier than 2am and Friday through Saturday with cessation in service occurring not earlier than 3am.

The Massachusetts Bay Transportation Authority shall issue a report on the results of the pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5) ridership data during the pilot; 6) an analysis on how late night service can incentivize ridership; and 7) next steps toward permanent implementation. Not later than 60 days after the conclusion of the program, the report shall be filed with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the joint committee on transportation.

SECTION 38. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority or its board of directors as established by section 7 of chapter 161A of the General Laws shall not increase the fare charged to riders, as defined in section 1 of chapter 161A of the General Laws.

SECTION 39. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall implement a temporary pilot program that reduces the rate of rider fares on off-peak hour commuter rail trips, with the goal of incentivizing ridership on hours outside of peak commuter times. The program shall not result in an increase in fares during for any rider at any time and shall include a discount structure of off-peak discounts of not less than 25 per cent. The pilot program shall commence not earlier than January 1, 2022 and not later than January 1, 2024.
The Massachusetts Bay Transportation Authority shall issue a report on the results of the pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5) ridership data during the pilot; 6) an analysis on how off-peak discount programs can incentivize ridership; and 7) next steps toward permanent implementation. Not later than 60 days after the conclusion of the program, the report shall be filed with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the joint committee on transportation.

SECTION 40. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transit Authority shall create a fund called the “Stimulus-Ready Projects” fund that can be used by the authority to advance planning, design, and engineering work on capital infrastructure projects that would improve transit reliability, increase transit service capacity, reduce greenhouse gas and particulate matter emissions, and improve overall resiliency of the system, in preparation for future federal infrastructure funds.

(b) Within thirty days of the passage of this Act, the Massachusetts Bay Transit Authority shall deposit an amount into the Stimulus-Ready Projects Fund (hereinafter referred to as the “Stimulus Ready Fund”) equal to no less than five percent but no greater than ten percent of total amounts received by the authority from federal emergency aid to transit systems in years 2020 and 2021, including funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Consolidated Appropriations Act of December 2020, and all future federal appropriations that deliver COVID-related emergency aid to the authority. Future deposits into the fund must be made by the authority within ten days of receipt of federal funds.
(c) The mission of the Stimulus Ready Fund is to expedite the planning, design, and engineering of infrastructure projects so that projects can be eligible to receive, or take best advantage of, federal infrastructure funding from any federal appropriation or authorization bills providing funding for transportation projects that is necessary to complete construction and implementation of capital projects that meet one or more of the following eligibility requirements: i) projects unfunded or not fully funded in the authority’s Capital Investment Plan, with a priority for projects that improve transit access and connectivity on the Blue, Red and Silver lines; ii) projects specifically related to improving transit reliability, increasing transit service capacity, reduce greenhouse gas and particulate matter emissions, and improving overall resiliency of the system, iii) projects related to the improvements recommended by the regional rail vision, including without limitation electrification of the commuter rail system, increasing capacity of commuter rail track infrastructure, and station infrastructure, and (iv) projects related to infrastructure, facilities, and maintenance needs for a battery-operated bus network. No funds in the Stimulus Ready Fund shall be used for ongoing programmed and funded maintenance or repair programs conducted by the authority.

(d) Money deposited in the fund must be obligated by the authority within 90 days of this act and within 60 days of future deposits into the fund.

(e) On July 1, 2022, all unobligated amounts from this fund on January 1, 2023 shall be transferred to the Boston Metropolitan Planning Organization for their use to improve or expand dedicated bus lanes, build dedicated bike lanes, or support complete street infrastructure needs within the authority’s service plan region.
(f) The MBTA shall file a written report detailing its progress fulfilling the terms of this Act and all amounts spent from this fund, and submit said report to the House and Senate Committees on Transportation no later than May 1, 2021.

SECTION 41. Sections 7 and 14 shall take effect on January 1, 2023.

SECTION 42. Section 8 shall take effect on January 1, 2024.

SECTION 43. Section 9 shall take effect on January 1, 2025.

SECTION 44. Section 38 is hereby repealed.

SECTION 45. Section 44 shall take effect on January 1, 2028.

SECTION 46. Section 33 shall take effect on July 31, 2025.

SECTION 47. Section 2 shall take effect upon the implementation of recommendations described in Section 30.